

Article - Criminal Law

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§5–804.

(a) In this section, “administrative probable cause” means a valid public interest in the effective enforcement of this title or regulations sufficient to justify administrative inspection of the area, premises, building, or conveyance in the circumstances specified in the application for the administrative inspection warrant.

(b) On showing of administrative probable cause, a judge of the State may issue an administrative inspection warrant to conduct:

- (1) administrative inspections authorized by this title; and
- (2) seizures of property appropriate to the inspections.

(c) (1) An administrative inspection warrant shall issue only on an affidavit:

- (i) of a designated officer or employee with knowledge of the facts alleged;
- (ii) that is sworn to before the judge; and
- (iii) that establishes the grounds for issuing the warrant.

(2) If the judge is satisfied that grounds for the application exist or that there is administrative probable cause to believe they exist, the judge shall issue an administrative inspection warrant that identifies:

- (i) the area, premises, building, or conveyance to be inspected;
- (ii) the purpose of the inspection; and
- (iii) where appropriate, the type of property to be inspected.

(3) The warrant shall be directed to a person authorized to execute it.

(4) The warrant shall:

- (i) identify the item or type of property to be seized;

(ii) state the grounds for its issuance and the name of the affiant;

(iii) require the person to whom the warrant is directed to inspect the area, premises, building, or conveyance identified for the specified purpose;

(iv) require, where appropriate, the seizure of the specified property;

(v) require that the warrant be served during normal business hours; and

(vi) designate the judge to whom the warrant is to be returned.

(d) (1) An administrative inspection warrant issued in accordance with this section shall be executed and returned within 10 days after its date.

(2) If property is seized in accordance with an administrative inspection warrant, the person who executes the warrant:

(i) shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken; or

(ii) shall leave the copy and receipt at the place from which the property was taken.

(3) The warrant shall be returned promptly and be accompanied by a written inventory of any property taken.

(4) The inventory shall be made in the presence of the person executing the warrant and:

(i) the person from whose possession or premises the property was taken; or

(ii) if that person is not present, at least one other credible person.

(5) On request, the judge shall deliver a copy of the inventory to:

(i) the person from whom or from whose premises the property was taken; and

(ii) the applicant for the warrant.

(6) A judge who issues an administrative inspection warrant under this section shall:

(i) attach to the warrant a copy of the return and all papers filed in connection with the return; and

(ii) file them with the clerk of the court from which the warrant was issued.

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